



Order Filed on January 16, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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KEY BANK, N.A.

CHRISTOPHER R. BYERS
XXX-XX-7957

Debtor.

Chapter 13

Judge: ABA

Case No. 17-14245

Hearing Date: January 9, 2018

**ORDER RESOLVING KEY BANK, N.A.'s MOTION
FOR RELIEF FROM THE AUTOMATIC STAY**

The relief set forth on the following pages numbered two (2) through three (3) are hereby
ORDERED.

DATED: January 16, 2018



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

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Debtor: CHRISTOPHER R. BYERS

Case No: 17-14245/ABA

Caption of Order: ORDER RESOLVING RELIEF MOTION

Upon consideration of (“Movant”) KEY BANK, N.A.’s motion for an order, pursuant to section 362(d) of the Bankruptcy Code, for relief from the automatic stay as to certain personal property as hereinafter set forth; and the Debtor having filed opposition thereto; and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Consent Order; and for cause shown, it is hereby;

ORDERED as follows:

1. Debtor’s post-petition arrearages through December 15, 2017 total \$1,847.20 (3/15/17 through 12/15/17 payments at \$234.72 each, less two \$250.00 payments received from Debtor on 3/17/17 and 5/8/17).
2. The aforesaid arrearages shall be rolled into Debtor’s Chapter 13 plan as an administrative claim and shall be paid to Movant over the remaining term of Debtor’s plan.
3. The Trustee shall adjust her records to reflect the increased amount due to Movant pursuant to this order and pay said increased claim to Movant in normal course.
4. Debtor shall tender his January 15, 2018 post-petition installment payment on or before the close of business for January 15, 2018 directly to Movant.
5. Commencing with the February 15, 2018 post-petition installment payment and continuing each month thereafter for the duration of this Chapter 13 proceeding, Debtor shall remit payments directly to Movant as same come due.
6. Debtor shall reimburse Movant through his Chapter 13 Plan of Reorganization as an administrative claim the sum of \$531.00 for attorney’s fees and costs incurred by Movant in the prosecution of its motion for relief from stay.

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Debtor: CHRISTOPHER R. BYERS

Case No: 17-14245/ABA

Caption of Order: ORDER RESOLVING RELIEF MOTION

7. **Thirty-Day Default Clause:** If the Debtor should default and fail to make the payments stated herein or any future payments that come due during the pendency of this case to Movant, its successors and/or assigns, for more than (30) days from the due date, then upon certification of non-receipt of said payments in accordance herewith submitted by creditor's counsel, the Court shall enter an Order, vacating the automatic stay of 11 *U.S.C.* §362(a) with respect to creditor's enforcement of its State Law collection action against the lease for personal property; to wit: 2011 Dodge Journey, VIN #3D4PG4FB1BT508514. The order submitted to the Court will not require the consent of the debtor or the debtor's counsel regarding form or substance, however, the trustee, debtor and his counsel shall be given notice of any filing of a certification of non-receipt in accordance with Rule 9072-1 of the Local Rules of Bankruptcy Procedure.

8. **Ninety-Day Default Clause as to Trustee Payments:** If the Debtor should default and fail to make future payments that come due during the pendency of this case to the Chapter 13 Trustee for more than (90) days from the due date, then upon certification of non-receipt of said payments in accordance herewith submitted by creditor's counsel, the Court shall enter an Order, vacating the automatic stay of 11 *U.S.C.* §362(a) with respect to creditor's enforcement of its State Law collection action against the lease for personal property; to wit: 2011 Dodge Journey, VIN #3D4PG4FB1BT508514. The order submitted to the Court will not require the consent of the debtors or the debtors' counsel regarding form or substance, however, the trustee, debtor and his counsel shall be given notice of any filing of a certification of non-receipt in accordance with Rule 9072-1 of the Local Rules of Bankruptcy Procedure.

8. Movant shall serve a copy of the executed order on all interested parties who have not yet been served electronically by the court.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Christopher R. Byers
Debtor

Case No. 17-14245-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 16, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 18, 2018.

db +Christopher R. Byers, 405 S. Poplar Ave., Absecon, NJ 08205-4568

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 18, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 16, 2018 at the address(es) listed below:

Bruno Bellucci, III on behalf of Debtor Christopher R. Byers jkearney@belluccilaw.net,
bbellucci@belluccilaw.net, lcanizzaro@belluccilaw.net, kpalermo@belluccilaw.net,
jbonner@belluccilaw.net
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Emmanuel J. Argentieri on behalf of Creditor KEY BANK, N.A. bk@rgalegal.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
John R. Morton, Jr. on behalf of Creditor SunTrust Bank, c/o Morton & Craig, LLC
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7